

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL, SON & CO. (USA) INC.,
Plaintiff,
v.
APEL EXTRUSIONS, INC., et al.,
Defendants.

Case No. [20-cv-06087-VC](#)

**ORDER DENYING APPLICATION
FOR TEMPORARY RESTRAINING
ORDER**


Re: Dkt. No. 14

The application for a temporary restraining order is denied for several related reasons: (i) Samuel, Son & Co. has not made a strong showing that the materials taken by Iavarone are trade secrets; (ii) If they are trade secrets, Samuel, Son & Co. has not made a strong showing that the defendants are likely to use them, in light of the testimony, given under oath by the defendants, that they have sequestered the materials, have not used them, will not use them, and have offered a forensic examination of Iavarone's hard drive; and (iii) Samuel, Son & Co. has not made a strong showing of irreparable harm. For similar reasons, and assuming the defendants continue to agree to keep the materials sequestered, a preliminary injunction seems unlikely.

A case management conference is scheduled for Tuesday, September 29, 2020 at 2:00 p.m. to discuss next steps, including how discovery should proceed and when APEL's jurisdictional arguments should be adjudicated.

IT IS SO ORDERED.

Dated: September 11, 2020



VINCE CHHABRIA
United States District Judge